

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1919 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-11-2-213 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 213. "Source", for
- 5 purposes of **IC 13-15-7-5 and IC 13-17-7**, means an aggregation of one
- 6 (1) or more facilities that are:
- 7 (1) located on:
- 8 (A) one (1) piece of property; or
- 9 (B) contiguous or adjacent properties; and
- 10 (2) owned, operated, or controlled by the same person."
- 11 Page 3, between lines 8 and 9, begin a new paragraph and insert:
- 12 "SECTION 3. IC 13-15-6-1 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE MAY 1, 1999 (RETROACTIVE)]: Sec. 1.
- 14 (a) Not later than fifteen (15) days after being served the notice
- 15 provided by the commissioner under IC 13-15-5-3:
- 16 (1) the permit applicant; or
- 17 (2) any other person aggrieved by the commissioner's action;
- 18 may appeal the commissioner's action to the office of environmental
- 19 adjudication and request that an environmental law judge hold an
- 20 adjudicatory hearing concerning the action under IC 4-21.5-3 and
- 21 IC 4-21.5-7.
- 22 (b) **Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a**
- 23 **person may file an appeal of the commissioner's action in issuing**
- 24 **an initial permit under the operating permit program under 42**
- 25 **U.S.C. 7661 through 7661f not later than thirty (30) days after the**
- 26 **date the person received the notice provided under IC 13-15-5-3,**
- 27 **for a permit issued after April 30, 1999.**
- 28 SECTION 4. IC 13-15-7-1 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
- 30 in sections 2, ~~and 4~~, **and 5** of this chapter, the commissioner or a
- 31 designated staff member may revoke or modify a permit granted by the
- 32 department under environmental management laws or IC 13-7 (before

its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.
- (5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

(A) The purposes of this title.

(B) Rules adopted by one (1) of the boards.

SECTION 5. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a) This section applies to the following:**

(1) **An existing source that has been issued an operating permit by the department.**

(2) **An emission unit at an existing source described in subdivision (1).**

(b) **The commissioner or a designated staff member may not apply new source review requirements to the source or emission unit solely because of an increase in emissions resulting from a revision or refinement of an emission factor contained in the United States Environmental Protection Agency publication AP-42 or in any other generally accepted compilation of emission factors."**

Page 5, line 17, delete "SECTION 7. An", begin a new paragraph and insert:

"SECTION 11. An".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1919 as printed March 24, 1999.)

Senator RIEGSECKER